

CV 13-00948

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

MAIN STREET LEGAL SERVICES, INC.,

Plaintiff,

v.

NATIONAL SECURITY COUNCIL,

Defendant.

Civil Action No.

VITALIANO, J.

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of records regarding the killing and attempted killing of United States citizens and foreign nationals by drone strikes and all National Security Council meeting minutes from 2011 which Defendant has improperly withheld from Plaintiff.

JURISDICTION AND VENUE

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).
3. Venue is premised on the place of business of Main Street Legal Services, Inc., and is proper in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e)(1)(C).

PARTIES

4. Plaintiff, Main Street Legal Services, Inc., is a non-profit law firm within the City University of New York School of Law, located at 2 Court Square in Queens, New York.

5. Defendant National Security Council was established by the National Security Act of 1947, is part of the Executive Office of the President, and is an agency within the meaning of 5 U.S.C. § 552(f)(1).

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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PLAINTIFF'S FOIA REQUESTS

6. By letter dated November 27, 2012, Plaintiff requested access to records relating to the killing and attempted killing of United States citizens and foreign nationals by drone strikes, and a copy of all National Security Council meeting minutes taken in the year 2011.

7. In a letter dated December 14, 2012, but postmarked January 18, 2013, Defendant acknowledged receipt of Plaintiff's November 27, 2012 letter and stated that "[a]s an organization in the Executive Office of the President that advises and assists the President, the National Security Council is not subject to the Freedom of Information Act."

8. Defendant's letter did not include notice of any right to appeal.

9. No further response or correspondence has been received from Defendant. No records responsive to Plaintiff's requests have been released by Defendant.

10. Defendant's failure to promptly provide access to the records sought by Plaintiff's request violates the Freedom of Information Act, 5 U.S.C. § 552(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

- (1) Order Defendant to provide access to the requested records;
- (2) Award Plaintiff costs and reasonable attorneys' fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (3) Grant such other and further relief as may deem just and proper.

Dated: February 20, 2013

Respectfully submitted,



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